IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.29098 of 1998

Dated: March 26, 2007

Between:

Moturu Pramod, S/o. Poornachander Rao, aged 26 years, Occ: business, R/o. Plot No.78, Sidhartha Nagar, Sanjeevareddi Nagar, Hyderabad.

... Petitioner

And

Mandal Revenue Officer, Serilingampalli, Ranga Reddy District, and another.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to direct the second respondent – Commissioner, Municipal Council, Serilingampalli, Ranga Reddy District, to grant building permission to the petitioner as per the Building Byelaws framed under the Andhra Pradesh Municipalities Act, 1965 ('the Act' for brevity) while declaring the instructions of the first respondent vide

proceedings No.B/2412/98 dated 18-07-1998 as arbitrary and illegal.

2. Petitioner claims to be the owner and possessor of house site bearing Plot Nos.95 and 96, admeasuring 534 Sq. yards, at Miyapur village, Serilingampalli Mandal, Ranga Reddy District. In the affidavit filed in support of the Writ Petition, it is stated that one Raheemunnisa Begum, W/o. Abdul Salam was the Pattedar of Sy.Nos.100 and 101, admeasuring Ac.277.05 guntas and Ac.273.34 guntas respectively, at Miyapur village of Serilingampalli Mandal, Ranga Reddy District and she has filed declarations in respect of the aforesaid lands vide C.C.No.N/1267/62 dated 27-04-1962. It is further stated that she was held to be surplus holder of land to an extent of Ac.118.34 guntas in Sy.No.101 and thereafter, she surrendered the said land.

3. The case of the petitioner is that the said Raheemunnisa Begum sold an extent of Ac.20.00 guntas in Sy.No.100 to V. Venkat Ramaiah, V. Narayan Das, S. Jagapathi Rao and M/s. Vasudha Associates, after obtaining permission from the Tahsildar under Sections 47 and 48 of Hyderabad Tenancy and Agricultural Lands Act, 1950. It is stated that the said purchasers entered into Development Agreement with
M/s. Vasudha Associates and after obtaining permission from HUDA vide permit No. 5424/MP2/HUDA/91 dated 05-05-1995, divided the same into plots and sold it to different persons through registered sale deeds. Petitioner claims that the plots purchased

by him form part of the said layout.

4. When petitioner had made application dated 12-10-1998 to the second respondent seeking permission to build a house in the aforesaid plots, second respondent, by proceedings dated 14-10-1998, rejected such permission stating that the first respondent, by proceedings dated
18-07-1998, issued instructions not to grant any building permission in respect of lands in Sy.Nos.100 and 101 of Miyapur Village of Serilingampalli Mandal, as the same is the subject matter of a case before the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982 in L.G.C.Nos.131 and 136 of 1995.

5. In the affidavit filed in support of the Writ Petition, it is stated that the plots of land covered by the aforesaid layout, for which HUDA had granted permission, were not the subject matter of cases before the Special Court. Though the Writ Petition is of the year 1998, no counter affidavit has been filed by the respondents controverting the allegations of the petitioner and there is also no representation on their behalf.

6. In these circumstances, I dispose of the Writ Petition permitting the petitioner to file an application before the respondents seeking grant of building permission and if any such application is received, respondents shall consider the same as per the provisions of the Act, without reference to the proceedings of the first respondent dated
18-07-1998, and pass appropriate orders. It is made clear that

respondents shall consider the application of the petitioner on his paying requisite fee and complying all other conditions as per the Building Byelaws framed under the Act. No costs.

JUSTICE R. SUBHASH REDDY.

March 26, 2007
MRR